

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

STEPHEN McCOLLUM, STEPHANIE KINGREY, and SANDRA McCOLLUM, individually and as heirs at law to the Estate of LARRY GENE McCOLLUM,

PLAINTIFFS

V.

BRAD LIVINGSTON, JEFF PRINGLE, and
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE.

DEFENDANTS

CIVIL ACTION NO. 3:12-CV-2037-L

**PLAINTIFFS' AND DEFENDANTS' MOTION TO
APPOINT MAGISTRATE JUDGE ANDY AUSTIN TO MEDIATE**

This case concerns the death of Larry Gene McCollum. Trial is set for October 7, 2013 and the parties are set to mediate this case before March 15, 2013.

Plaintiffs have alleged the Texas Department of Justice and the individually named defendants maintained dangerous hot jail conditions which caused Larry Gene McCollum, an individual with hypertension, to suffer heat stroke at the Hudgens Unit. The defendants deny Plaintiffs' claims and the individuals contend that they are entitled to qualified immunity.

In light of these claims and defenses at issue, and his prior experience with other heat causes in TDCJ facilities, the parties believe that Judge Andy Austin would be effective at mediating this case.

Counsel for the parties have conferred with Magistrate Judge Austin about mediating this dispute and he is agreeable provided the Court approves and appoints him as mediator.

Accordingly, Plaintiffs and Defendants respectfully ask the Court to appoint Judge Austin as the mediator for this case.

Respectfully submitted,

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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

Plaintiffs' counsel has conferred with Defendants' counsel concerning this motion and reached an agreement.

/s/
Jeff Edwards

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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